REMARKS

This is in response to the Office Action mailed on <u>December 14, 2004</u>, and the references cited therewith. The amendments to the claims are fully supported by the specification as originally filed, and no new matter has been added. The amendments are made to clarify the claims and are not intended to limit the scope of equivalents to which any claim element may be entitled. Applicants respectfully request reconsideration of the above-identified application in view of the amendments above and the remarks that follow.

Claims 7, 18, and 31 are amended; as a result, claims 1-40 are pending in this application.

Objections to the Drawings under 37 CFR 1.83(a)

The drawings were objected to under 37 CFR 1.83(a) because they failed to show Figures 18D, 18E, and 18F as described in the specification. Applicants have amended the specification to remove references to Figures 18E and 18F. In addition, Applicants have added Figure 18D to the application. Applicants respectfully submit that the addition of Figure 18D does not add new matter to the specification; rather the addition of Figure 18D merely illustrates the text of paragraph 88:

> [0005] **Figure 18D** illustrates an example of an international search page 278 that corresponds substantially to the interface 296 shown in **Figure 18A**. In **Figure 18D**, a drop-down menu of regions (e.g., countries) displayed to facilitate convenient input into a country input field 298.
>
> Application, Paragraph 88.

Paragraph 88 discloses that Figure 18D corresponds substantially to the interface 296 shown in Figure 18A. Indeed, a comparison of Figure 18A with Figure 18D reveals no significant differences except those differences noted by paragraph 98 (e.g., a drop-down menu of regions (e.g., countries)). Applicants submit that the addition of Figure 18D does not add new matter and respectfully requests the Examiner to enter Figure 18D into the application.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 09/905,525
Filing Date: July 13, 2001
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Documents Cited but Not Relied upon for this Office

Applicants need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action since these references are not made part of the rejections in this Office Action. Applicants are expressly not admitting to this assertion and reserve the right to address the assertion should it form part of future rejections.

§102 Rejection of the Claims

Claims 1-12 and 18-36 were rejected under 35 USC § 102(b) as being anticipated by Yahoo! (PTO-892, Item:V) (hereinafter Yahoo).

Applicants respectfully submit that claims 1-12 and 18-36 should not be rejected under 35 U.S.C. § 102(b) for the reason that Yahoo does not disclose each and every limitation of the claim 1 of the present application.

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Claim 1 includes the following limitation:

determining a site that a user accesses....retrieving a category list available for the site...and communicating the category list to the user....the category list is a region-specific category list.

The Office Action, in rejecting claim 1, does not identify any specific text from Yahoo with regard to the above limitations; however, the following may be relevant:

Sellers can conveniently market items in the local currency to regional buyers or to a global audience from any Internet-connected computer. From across the world, buyers can access items available in multiple languages and regions around the globe.

Yahoo, page 1, first paragraph.

The above quote from Yahoo describes seller marketing items and buyers accessing items. Sellers may market items to regional buyers or to a global audience. Buyers may access items in multiple languages and regions.

Claim 1 requires retrieving a region-specific category list that may be available for a site that a user accesses and communicating the region-specific category list to the user. In one embodiment, merely for example, a network-based commerce facility may retrieve and communicate an Australian category list to a user that accesses the network-based commerce facility from an Australian site.

In contrast, the above quote from Yahoo does not describe retrieving a region-specific category list that may be available for a site that a user accesses and communicating the region-specific category list to the user; rather, the above quote from Yahoo describes sellers that may market items and buyers that may access items. Indeed the above quote from Yahoo does not describe category lists, much less region-specific category lists, or the retrieving or communicating of such lists. Yahoo therefore cannot be said to anticipate the above quoted limitation because Yahoo describes sellers that may market items and buyers that may access items and claim 1 requires retrieving a region-specific category list available for a site that a user accesses and communicating the region-specific category list to the user.

Independent claim 25 includes a limitation corresponding substantially to the above-discussed limitation of claim 1. The above remarks are accordingly also applicable to a consideration of this independent claim. Accordingly, Applicants request that the above remarks also be considered when examining independent claim 25 for allow ability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 2-6 and 26-30 under 35 U.S.C. § 102(b) is also addressed by the above remarks.

Claim 7 includes the following limitation:

displaying a listing currency in conjunction with a native currency to the user.

The Office Action, in rejecting claim 7, does not identify any specific text from Yahoo

with regard to the above limitation; however, the following may be relevant:

Sellers can conveniently market items in the local currency to regional buyers...

Yahoo, page 2, first paragraph.

The above quote from Yahoo describes sellers that may market items. Specifically, the

sellers may market items in the local currency to regional buyers.

Claim 7 requires displaying a listing currency in conjunction with a native currency to the

user. In one embodiment, merely for example, an item may be displayed to a user in US dollars,

which may be a listing currency, and English pounds which may be a native currency.

In contrast, the above quote from Yahoo does not describe displaying a listing currency

in conjunction with a native currency to the user; but rather, the above quote from Yahoo

describes sellers that market items in a local currency to regional buyers. Clearly the above quote

from Yahoo does not describe a listing currency much less displaying the listing currency in

conjunction with a native currency. Yahoo therefore cannot be said to anticipate the above

quoted limitation because Yahoo describes sellers marketing items in the local currency to

regional buyers and claim 7 requires displaying a listing currency in conjunction with a native

currency to the user.

Independent claims 18 and 31 each include a limitation corresponding substantially to the

above-discussed limitation of claim 7. The above remarks are accordingly also applicable to a

consideration these independent claims. Accordingly, Applicants request that the above remarks

and amendments contained herein also be considered when examining these other independent

claims for allow ability.

As dependent claims are deemed to include all limitation of claims from which they

depend, the rejection of claims 8-13, 19-24, and 32-36 under 35 U.S.C. § 102(b) is also

addressed by the above remarks, and the amendments contained herein.

§*103 Rejection of the Claims*

Claim 13 was rejected under 35 USC § 103(a) as being unpatentable over Yahoo in view of Pollick (PTO-892, Item: VV) (hereinafter Pollick).

Applicants respectfully submit that claim 13 should not be rejected under 35 U.S.C. § 103 for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the corresponding independent claim of the present application.

> To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Dependent claim 13 depends on independent claim 7. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claim 13 under 35 U.S.C. § 103 is addressed by the above remarks.

In summary, Yahoo in combination with Pollick does not teach or suggest each and every limitation of claim 13 as required to support rejections of the independent claims of the present application under 35 U.S.C.§ 103.

Claims 14-17 and 37-40 were rejected under 35 USC § 103(a) as being unpatentable over Yahoo (presumably) in view of Wells Fargo (PTO-892, Item: U) (hereinafter Wells Fargo).

Claim 14 includes the following limitation:

displaying a listing currency in conjunction with a native currency to the user.

The Office Action, in rejecting the above limitation from claim 14 states the following:

Wells Fargo...does not disclose displaying the listing currency in conjunction with the native currency.

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It would have been obvious to one of ordinary skill in the art at time of the invention to disclose displaying the listing currency in conjunction with the native currency...

Office Action, page 7.

Applicants respectfully traverse this official notice and request the Examiner to provide a reference that describes such an element. Absent a reference, it appears that the Examiner is using personal knowledge, so the Examiner is respectfully requested to submit an affidavit as required by 37 C.F.R. § 1.104 (d) (2).

Independent claim 37 includes a limitation corresponding substantially to the above-discussed limitation of claim 14. The above remarks are accordingly also applicable to a consideration of this independent claim.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 15-17 and 38-40 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, Yahoo in combination with Wells Fargo does not teach or suggest each and every limitation of claims 14, and 37 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

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CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-846-8871 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

BARRY BOONE

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-846-8871

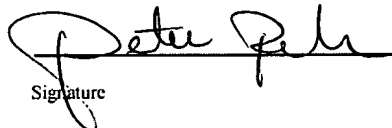Date 4/13/2005

By _Mark R. Vatuone_
Mark R. Vatuone
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13 day of April, 2005.

Peter Rebuffoni
Name

Signature